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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
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Order Instituting Rulemaking on the Commission's Own Motion into the Service Quality Standards for All Telecommunications Carriers and Revisions to General Order 133-B	Rulemaking 02-12-004 (Filed December 5, 2002)

OPENING COMMENTS OF VERIZON CALIFORNIA INC. (U 1002 C)
AND ITS CERTIFICATED CALIFORNIA AFFILIATES
ON MARCH 30, 2007 ASSIGNED COMMISSIONER RULING AND SCOPING MEMO

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TABLE OF CONTENTS

Pursuant to the March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo, Verizon California Inc., on behalf of itself and its certificated California affiliates (collectively "Verizon"),[1] submits these Opening Comments. Accompanying these comments are the supporting declarations of Dr. Debra J. Aron and Mr. Michael M. Fernandez.

I. INTRODUCTION

A. SERVICE QUALITY OVERSIGHT PRINCIPLES.

Verizon agrees the time has come to fundamentally reassess the Commission's role with respect to service quality given the realities of today's competitive communications market: "In light of the findings in [the URF decision], it is clear the Commission's service quality regulations must change."[2] To guide this inquiry, the Scoping Memo sets forth two key principles adopted in the URF decision: *First*, service quality regulation should "rely on competition, whenever possible, to promote broad consumer interests." *Second*, when regulation is necessary, it should be designed and implemented in a "competitively and technologically neutral manner" to "promote development of a wide variety of new technologies and services."[3] The Commission's mission statement, as highlighted in the Governor's proposed 2007 budget, provides further guidance that the "fundamental objective" of regulators is to "ensure that customers have safe, reliable utility service."[4]

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[1] These affiliates include Bell Atlantic Communications, Inc., d/b/a Verizon Long Distance (U-5732-C), NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions (U-5658-C), MCI Communications Services, Inc., d/b/a Verizon Business Services (U-5378-C), MCI Metro Access Transmission Services, d/b/a Verizon Access Transmission Services (U-5253-C), TTI National, Inc., d/b/a Verizon Business Services (U-5403-C), Teleconnect Long Distance Services & Systems Company, d/b/a Telecom*USA (U-5152-C), Verizon California Inc. (U-1002-C), and Verizon Select Services Inc. (U-5494-C).

[2] Scoping Memo at 3.

[3] Scoping Memo at 3.

[4] Aron Declaration at ¶ 9, citing <http://www.ebudget.ca.gov/StateAgencyBudgets/8000/8660/program_description.html>; California Public Utilities Commission Mission Statement at <http://www.cpuc.ca.gov/static/aboutcpuc/pucmission.htm> and 2007 Work Plan including 2006 Annual Report at <http://www.cpuc.ca.gov/Published/Graphics/64335.PDF>.

The stated goal of this proceeding—i.e., to "determine what service quality data and reports are needed … so that the Commission can assess whether the competitive market adequately protects consumer interests"[5]—flows logically from these principles. Commission precedent affirming the Commission's "broad discretion"[6] to determine how to best meet its service quality obligations under the Public Utilities Code[7] also supports the market-based approach to service quality oversight articulated in the Scoping Memo.

B. VERIZON'S PROPOSAL.

Guided by these principles—as detailed below and in the supporting declaration of Verizon's economic expert Dr. Debra J. Aron—Verizon proposes that all Commission-imposed service quality metrics and reporting requirements be eliminated, specifically G.O. 133B and Merger Compliance Oversight Team ("MCOT") reporting, as they are outdated and do not apply to intermodal providers. These legacy regulations are not competitively and technologically neutral and tend to distort the powerful incentives that competition provides for achieving socially optimal service quality. As such, they have the potential to actually harm service quality, as Dr. Aron discusses in greater detail. Applicable state and federal network outage reporting requirements,[8] however, should be retained consistent with the Commission's stated focus on safety and reliability. In addition, to the extent the Commission remains interested in monitoring ILEC legacy service quality metrics, it can reference ARMIS data. The Commission would also retain other oversight tools with which to monitor service quality, including its inherent investigatory powers and the formal and informal complaint process (currently undergoing improvements to increase its effectiveness).

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[5] Scoping Memo at 3. In addition, the Commission's inquiry should focus on mass market residential customers as opposed to business customers who tend to purchase more sophisticated products and services consistent with their advanced communications needs.

[6] See, e.g., D. 06-12-042, 2006 Cal. PUC LEXIS 505, *27, citing P.U. Code § 2896.

[7] See principally Pub. Util. Code § 2896, subd. (c) (requiring the provision of telephone service consistent with "reasonable statewide service quality standards, including, but not limited to, standards regarding network technical quality, customer service, installation, repair, and billing.")

[8] Such requirements are identified *infra* at § II.C.

As Mr. Fernandez demonstrates, there is no clear need for the Commission to sponsor an annual customer satisfaction survey, as contemplated in the Scoping Memo, as the marketplace already produces multiple consumer surveys (like J.D. Powers and Consumers' Checkbook) covering various industry segments, including wireline and wireless telephone service. Unlike the competition survey under consideration in URF Phase 2, which would seek relatively straightforward, objective data on consumer awareness of the many competitive options available in the marketplace, consumers' perceptions regarding service quality are more subjective and thus prone to difficult interpretation problems across technological platforms. For example, "acceptable" service quality for wireline customers fundamentally differs from what customers expect of their wireless service.

Instead of expending the resources to develop an intermodal service quality survey that could bridge these differences—an exercise whose costs would likely exceed the benefits, as Mr. Fernandez shows—the Commission should rely principally on competition itself, consistent with URF principles,[9] as the best "regulator" of service quality in today's intermodal communications market. This market-driven approach has the added benefit of avoiding the potentially anticompetitive problems associated with attempting to standardize G.O. 133B and MCOT for the limited subset of competitors subject to the Commission's regulatory authority, i.e., ILECs and CLECs but not cable/VoIP.

If, however, the Commission nevertheless decides to sponsor its own customer satisfaction survey, it must be carefully designed to ensure useful results and avoid unnecessary duplication of the many existing surveys already available in the marketplace, particularly on the wireless side.[10] Accordingly, any Commission-

[9] See, e.g., D.06-08-030, *mimeo* at 33 (noting that in a competitive market "if [the incumbent provider's] service quality deteriorates, customers will have the incentive to switch to a lower-priced or better-quality carrier") quoting *In the Matter of the Application of AT&T Communications of California, Inc. for Additional Regulatory Flexibility* (1993) D.93-02-010, 48 CPUC 2d 31.

[10] On this issue, Verizon concurs and joins in support of the separate comments filed today in this docket by Verizon Wireless.

sponsored survey should be limited to wireline customers, including cable/VoIP. Similarly, the Commission should be clear that the survey is for informational purposes only, and is not to be used as an enforcement tool. Such use would distort the competitive process by failing to recognize the normal variations in optimal service quality that a competitive market will produce, as well as by exposing only one class of providers (those subject to Commission jurisdiction) to potential enforcement action.

II. DISCUSSION

A. EFFECTIVE COMPETITION IS SUPERIOR TO REGULATION IN PRODUCING SOCIALLY OPTIMAL SERVICE QUALITY LEVELS.

As Dr. Aron discusses in greater detail,[11] where competition is effective, the market provides powerful incentives for achieving socially optimal service quality. The Commission has already found the voice communications market in California to be highly competitive throughout the traditional service territories of Verizon and the other large ILECs in California.[12] In such a competitive market, optimal service quality depends on individual consumer preferences as well as varying costs and technologies. These are not fixed variables for which a regulator can impose rigid standards. Nor is the "highest" technically feasible level of quality necessarily the optimal level since increasing quality incurs cost. Rather, the optimal quality level for a particular individual is that which provides the highest value relative to cost.

Accordingly, a competitive market will produce different levels of quality at different prices to meet diverse customer demands. For example, in the airline industry there are different classes of service (coach, business, first) available at different prices. Customers would be worse off if all airplane seats were first class (with the associated cost) or all coach. Competition acts to provide consumers the various bundles of price and service quality they demand. The Commission has

[11] See, e.g., Aron Opening Declaration at ¶¶ 20–21.

[12] See, e.g., D.06-08-030, mimeo at 265, Findings of Fact at 50–51, 275 (finding that Verizon, AT&T, SureWest, and Frontier lack market power throughout their service territories for residential as well as business customers in light of the extensive record of increased intra- and intermodal competition developed throughout the proceeding).

already documented this phenomenon in URF as evidenced by the many different price/quality communications service bundles available in the marketplace today.[13]

Another well-documented example of competition driving optimal service quality is in the mobile wireless industry, where consumer demand has dramatically lowered prices and increased service quality.[14] As Dr. Aron shows, wireless subscriber usage increased from an average of 136 minutes per month in 1998 to 255 minutes per month in 2000.[15] By year-end 2005, average subscriber usage had jumped over 400 percent from 1998 levels, to 740 minutes per month.[16] In spite of these dramatic increases in usage, mobile wireless prices declined significantly during this time period, from $61.49 per month in 1993 to $49.98 in 2005.[17]

Meanwhile, mobile wireless call quality continues to increase. A recent J.D. Power and Associates' study shows that the overall rate of customers experiencing a wireless call quality problem declined for a third consecutive year, with reported problems per 100 calls reaching the lowest level since the inaugural J.D. Power study in 2003.[18] According to Kirk Parsons, the senior director of wireless services at J.D. Power and Associates:

> Wireless providers have clearly made great strides in improving call quality. With an increasingly competitive environment and an increase in the number of services used in conjunction with a cell phone, carriers that offer superior network quality are more likely to attract new customers and increase customer retention. In fact, improving network quality is a beneficial financial incentive for wireless carriers, as customers experiencing at

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[13] See, e.g., D.06-08-030, *mimeo* at 60 (note 229), 75 (note 298), 189 (note 714) (finding that the current technologically diverse communications market is "dominated" by bundled products, and "the majority of communications services are sold in bundles.")

[14] See generally Aron Declaration at § V.C.3.

[15] *Id*. at ¶ 50, citing *FCC Eleventh Wireless Report*, Appendix A, Table 10 (citing *Dec 2005 CTIA Survey*).

[16] *Id*.

[17] *Id*. The average price per minute of mobile wireless service over this time frame fell by 85 percent, from $0.44/minute in 1993 ($61.49 ÷ 140 minutes) to $0.07/minute in 2005 ($49.98 ÷ 740 minutes). See, *FCC Eleventh Wireless Report,* Appendix A, Table 10.

[18] See Aron Opening Declaration at ¶ 52.

least one call quality problem are almost four times more likely to definitely switch carriers in the future.

Dr. Aron documents how this combination of lower prices and increased service quality can also be seen in the market for broadband Internet access[19] as well as in other industries, such as in the automobile[20] and airline[21] industries.

The key point is that effective competition, which the Commission has already found exists in California's voice communications market, should fundamentally transform the Commission's approach to service quality regulation. Consistent with the principles articulated in the Scoping Memo, the Commission should move away from ILEC-centric service quality metrics and reporting requirements towards relying on demonstrated competition to deliver the myriad service quality options that consumers actually demand.

B. ILEC-CENTRIC METRICS LIKE G.O. 133B AND MCOT ARE OUTDATED AND COMPETITIVELY SKEWED, AND ATTEMPTING TO STANDARDIZE THEM ACROSS PROVIDERS WOULD BE JURISDICTIONALLY DUBIOUS, IMPRACTICAL, AND HARMFUL TO THE COMPETITIVE PROCESS.

As the Scoping Memo acknowledges, the Commission's service quality regulations have not kept pace with technological or competitive changes.[22] G.O. 133B, for example, was adopted originally in 1983 when individual ILECs were the sole providers of telephone service in their franchise territories and operated under rate of return regulation. G.O. 133B was revised in 1992,[23] shortly after the adoption of price-cap incentive regulation under NRF but well before the explosive growth of intermodal competition. Similarly outdated are the MCOT reporting requirements imposed as merger conditions by the FCC in the 2000 Bell Atlantic/GTE and 1999

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[19] See generally Aron Declaration at § V.C.4.

[20] See generally *id*. at § V.C.1.

[21] See generally *id*. at § V.C.2.

[22] Scoping Memo at 3.

[23] See D.8311062 (adopting G.O. 133B) (Nov. 22, 1983; effective Dec. 22, 1983); amended by Decision 8443448 (adopted March 21, 1984; effective March 21, 1984); further amended by D.92-011-056 (adopted May 20, 1992; effective June 19, 1992), as modified by D,92-12-007 (effective December 3, 1992); further amended by D.00-03-052 (effective March 16, 2000).

SBC/Ameritech mergers.[24] Although these conditions required FCC reporting for a limited period of time (until 2003 for Verizon), the Commission in NRF Phase 2B required Verizon and AT&T to continue MCOT reporting "until further notice."[25] As discussed by Dr. Aron, with prices now deregulated under URF, the time has come to eliminate such legacy service quality regulations, as carriers have more incentives than ever before to provide customers the service quality and value they demand in the competitive marketplace.[26]

G.O. 133B and MCOT requirements should also be eliminated because they are not competitively and technologically neutral. G.O. 133B is designed to measure historic wireline circuit switched telephone service elements[27] and applies to ILECs, CLECs, and non-dominant interexchange carriers (NDIECs) only, not other

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[24] MEMORANDUM OPINION AND ORDER, FCC 00-211 (Adopted June 16, 2000; Released June 16, 2000), *In the Application of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Applications to Transfer Control of a Submarine Cable Landing License*, CC Docket No. 98-184, Condition 51; MEMORANDUM OPINION AND ORDER, FCC 99-279 (Adopted October 6, 1999; Released October 8, 1999), *In re Applications of Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules*, CC Docket No. 98-141, Appendix C, Condition XXIV, ¶ 62.

[25] D.03-10-088, *mimeo* at 117–124.

[26] See generally Aron Declaration at § V.D.

[27] G.O. 133B establishes comprehensive standards that cover a broad range of service elements, including:

- Network trouble report /100 lines—this standard of network reliability is exceeded if a central office has more than 6 reports per 100 lines.
- Install Line Energizing Commitment Met—the standard requires each covered central office wire center to fulfill 95% of commitments for requests for establishment or change in non-key telephone individual service that normally involve plant activity.
- Held Primary Orders over 30 days—the standard requires reporting of any request for primary (main) telephone service delayed over 30 days because of lack of telephone utility plant.
- Toll Operator Answer Time—the standard requires that each covered traffic office answer 85% of such calls within 10 seconds.
- Directory Assistance Operator Answer Time—the standard requires that each covered traffic office answer 85% of such calls within 12 seconds.
- Trouble Report Answer Time (VRRC)—the standard requires that 80% of such calls be answered within 20 seconds.
- Business Office Answer time (CSSC)—the standard requires that 80% of such calls be answered within 20 seconds.

providers.[28] In addition, the metrics themselves are subject to substantial interpretation problems, such as measuring answer times when carriers use automated response units, as the Commission found in its NRF 2B service quality investigation.[29] MCOT similarly focuses on legacy telephone service elements[30] and applies only to the Verizon and AT&T-affiliated ILECs in California.[31]

Nor should the Commission attempt to "update" G.O. 133B into a standard set of metrics applicable to *all providers*. Such an approach still could not achieve competitive and technological neutrality because the Commission lacks regulatory authority over all intermodal providers. This point is beyond dispute. In its 2004 *Vonage* decision, the FCC explicitly preempted state regulation of nomadic or "over-the-top" VoIP services and suggested that comparable state regulation of fixed VoIP would likely suffer a similar fate.[32] The 8th Circuit recently affirmed the FCC's preemption decision.[33] This Commission acknowledged its own jurisdictional limitations in June 2006, citing "uncertainty" over its regulatory role,[34] and these limitations continue to influence Commission policy.[35] The lack of state regulatory authority over VoIP makes developing standard measures for all intermodal providers legally questionable.

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[28] *Order Instituting Rulemaking Into the Service Standards for all Telecommunications Carriers and Revisions to General Order 133-B*, R.02-12-004, December 5, 2002, *mimeo* at 50.

[29] D.03-10-088, Findings of Fact 25 and 27.

[30] Categories of reporting for retail services include installation and maintenance, switch outages, transmission facility outages, service quality-related complaints, and answer time performance. D.03-10-088, *mimeo* at 117.

[31] See note 24.

[32] *Minnesota PUC v. FCC*, 2007 U.S. App. LEXIS 6448, *9, citing *In re Vonage Holdings Corp.*, 19 F.C.C.R. 22404, 22424 at ¶ 32 (2004) ("… to the extent other entities, such as cable companies, provide VoIP services, we would preempt state regulation to an extent comparable to what we have done in this Order.")

[33] *Minnesota PUC v. FCC*, 2007 U.S. App. LEXIS 6448.

[34] *Opinion Closing VoIP Docket*, D.06-06-10 (June 15, 2006), *mimeo* at 5.

[35] Recent Commission analysis concedes that the state's "ability to regulate telephone service provided over broadband facilities is dubious." CPUC Legislative Subcommittee Analysis of AB 826 (Levine) (Apr. 3, 2007), available at <http://www.cpuc.ca.gov/PUBLISHED/REPORT/66265.htm>.

Setting aside the jurisdictional issue, even attempting to develop standard measures across providers would be both impractical and unduly complicated. Existing G.O. 133B and MCOT service quality standards fall into three categories: installation, maintenance and customer service.[36] Constructing standardized measures applicable to all providers would be problematic for each of these categories. Measuring installation timing or commitments met, for example, makes no sense when applied to wireless providers, as many new service orders are initiated in person, and service activation occurs before the customer leaves the wireless store. For VoIP providers the installation interval can likewise be complicated when customers add voice service to an already existing cable or broadband account.

Service quality expectations also differ across technology platforms, and what is considered "out of service" depends on the technology being used. A wireless customer expects to be able to make a call in a car traveling at freeway speeds, but might not expect wireless service to work in an elevator or in the basement of a building. A circuit-switched wireline phone that periodically loses connection to the network would likely generate a trouble report, while infrequent dropped calls between cell sites would not.

Customer service standards would also vary by technology. For example, one particular G.O. 133B standard currently requires 80% of business office calls to be answered within twenty seconds.[37] Although such a rigid standard may have made sense in the single-provider, wireline-only world that existed when G.O. 133B was first adopted, it no longer makes sense today. Then, customers tended to interact with the telephone company almost exclusively over the phone. Today, however, carriers interact with their customers in different ways. Most carriers have Web-based ordering and customer support. Verizon residential customers, for example, can order service,

[36] See Scoping Memo, Exhibit A (as revised).

[37] G.O. 133-B, § 3.9.

request repair, or even chat with a service representative online.[38] Wireless providers interact with customers face-to-face at the point of sale and also perform a substantial amount of customer-relations work over the Internet.[39]

Besides the difficulty of attempting to measure different service technologies, Dr. Aron shows how any effort to develop enforceable service quality standards risks harming the competitive process and driving carrier behavior in ways that consumers do not want, thereby *harming* overall service quality from the consumers' point of view.[40] This is similar to the phenomenon commonly referred to as "teaching to the test." For example, if all providers were measured on whether they answered 80% of business office calls within 20 seconds, and faced penalties for failure to comply, they would focus their limited resources on hiring more representatives to meet the standard and avoid the penalty, rather than training existing representatives to provide better customer service. Since regulators cannot possibly replicate all the different price/quality combinations that customers demand in the competitive market, no amount of Commission-imposed standards can ensure optimal service quality. Rather than attempting to refashion G.O. 133B and MCOT, the Commission should rely principally on the competitive process to promote quality service, consistent with the URF principles outlined in the Scoping Memo.

C. THE COMMISSION HAS MANY TOOLS BEYOND G.O. 133B AND MCOT TO MONITOR SERVICE QUALITY.

Beyond the powerful incentives that competition provides, the Commission possesses many tools other than G.O. 133B and MCOT to monitor service quality and detect market failure. In addition to the Commission's inherent investigatory powers,[41] such tools include:

[38] See, e.g., <http://www22.verizon.com/CustomerSupport/ContactUs/Index/>.

[39] See, e.g., <http://www.verizonwireless.com/b2c/contact/index.jsp>.

[40] See, e.g., Aron Opening Declaration at § VI.

[41] See, e.g., Resolution ALJ-195 (Dec. 14, 2006) (outlining procedures governing Commission Staff's access to information outside a formal proceeding). Resolution ALJ-195 details various Public Utilities Code provisions permitting individual Commissioners and Commission staff "to obtain information from regulated entities and those with whom such entities deal," including Pub. Util. Code §§

1. The Complaint Process.

Customer complaint data provide a resource for monitoring service quality. By analyzing the number and types of complaints received by different providers, the Commission can rapidly identify service quality trends, as well as potential problems that may require investigation or enforcement action. The existence of informal complaint procedures is communicated to California consumers through customer invoices, telephone directories, telephone guides, and the Commission's Web site.[42] If a consumer cannot resolve the particular problem directly with the company, the consumer may file a complaint with the Commission in person, by mail, by telephone, by fax, by e-mail, or through an elected representative. The Commission then enters the complaint into its system, categorizes it, and contacts the company.[43]

In response to problems with the complaint process documented in the Consumer Bill of Rights proceeding,[44] the Commission is in the process of improving its ability to manage complaints and analyze trends through the procurement of a new computer system. One of the key requirements of the system is the ability to: "relat[e] complaint information that comes in disparate forms and respond[ ] to recurrent and customized queries, both to determine the sources of complaints and the need for enforcement."[45] Once such advanced analytical capabilities become available to

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309 (DRA's authority to compel production or disclosure of certain information); 311 (authority of Commission officers and ALJs to issue subpoenas for production of documents); 313 (duty of public utilities to produce books, accounts, papers, or records); 314 (inspection of books and records of public utilities); 425 (inspection of business records of any carrier or related business); 581–4 (duty of public utilities to provide information, documents, reports to the Commission upon request); 771 (authority to enter premises occupied by public utility).

[42] See <http://www.cpuc.ca.gov/static/forms/complaints/index.htm>.

[43] See Section III, RFP CPUC CIMS-8660-43 (issued Mar. 7, 2007), at 8–10. Upon receipt of an informal complaint, the Commission instructs the company to attempt to resolve the complaint with the customer within 20 business days and file a written response to the Commission. Thereafter, if the complaint remains unresolved, then Consumer Affairs Branch will provide the customer the option to appeal the case. If after the appeal the informal complaint remains unresolved, the customer is given the option to file a formal complaint before an Administrative Law Judge. *Id*.

[44] D.06-03-013, §11.6 Examination of Formal Complaint Procedures. See also Ordering Paragraph 15.

[45] See Section VI-2 of RFP CPUC CIMS-8660-43 (issued Mar. 7, 2007).

Commission staff, analyzing customer complaints will become an increasingly effective service quality monitoring tool.

2. Network Outage Reports.

Verizon proposes no changes to reporting requirements associated with network outages, which are reported on a per outage basis under applicable Commission[46] and FCC rules.[47] FCC rules require reporting of all outages lasting 30 or more minutes and affecting 900,000 user minutes. In addition, specific types of outages must also be reported: those affecting the 911 system, airport communications, DS3, SS7, IXC/LEC tandem facilities, and special facilities. In California, Commission rules require reporting of "major interruptions" in telephone service.[48] Maintaining these existing reporting requirements will provide the Commission with the ability to track network problems that may impact consumer safety, consistent with the Commission's mission statement.

3. Automated Reporting Management Information System (ARMIS).

Although ARMIS reporting suffers from many of the same problems as G.O. 133B—e.g., it is ILEC-centric and does not capture data from all intermodal providers—to the extent the Commission remains interested in such legacy metrics, it can reference ARMIS service quality data. Most ILECs report ARMIS results annually,

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[46] California Public Service Commission, October 5, 1977 Letter to All Telephone Utilities regarding G.O. 133 Major Service Interruptions.

[47] *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, REPORT AND ORDER, FCC 04-188 (Adopted Aug. 4, 2004). The FCC's Network Outage Reporting System and user manual can be found at <http://www.fcc.gov/oet/outage/>.

[48] These are defined as: 1. Complete loss of inward/outward calling capability from a central office for periods in excess of 30 minutes for entities with less than 10,000 primary stations or 10 minutes for entities with greater than 10,000 primary stations. 2. Central offices isolated from the toll network. 3. Cable, microwave, carrier or other facility damage or failure affecting over 1,000 customers. 4. Unusual call volumes which occur for any reason that result in significant central office blockage. 5. Any anticipated conditions that may seriously affect service as a result of equipment problems or heavy call volumes. Reporting requirements include: Company; Service Affected; Location; Facility; Number of Customers Affected; Date and Time of Initial Report; Date and Time of Service Interruption/Congestion; Date and Time of Service Restoration/Congestion Clearance; Cause of Interruption/Congestion; Corrective Action to Restore/Clear Congestion; Preventive Action Against Recurrence. California Public Service Commission, October 5, 1977 Letter to All Telephone Utilities regarding G.O. 133 Major Service Interruptions.

which the FCC publicly summarizes.[49] ARMIS reporting addresses areas that historically have been deemed representative of ILEC service quality. They include:

- ARMIS 43-05, Table I contains results for installation and repair measures for Interexchange Access Carriers.
- ARMIS 43-05, Table II contains results for installation and repair measures for local service.
- ARMIS 43-05, Table III and Table IV contain results for network performance, trunk blockage, and switch downtime.
- ARMIS 43-05, Table V contains results for customer service quality complaints.
- ARMIS 43-06 captures results for the customer satisfaction surveys.

A chart summarizing the individual service quality metrics contained in ARMIS reports 43-05 and 43-06 is attached as *Exhibit A*. For ease of reference, the chart cross-references Commission staff's analysis of certain ARMIS metrics from D.03-10-088, the NRF Phase 2B order.

D. NO CLEAR NEED FOR COMMISSION-SPONSORED CUSTOMER SATISFACTION SURVEYS HAS BEEN ESTABLISHED.

Given the powerful service quality incentives that the competitive process provides, and the numerous monitoring tools that the Commission will retain, there is no clear need for the Commission to sponsor an annual customer satisfaction survey as contemplated in the Scoping Memo. As Dr. Aron and Mr. Fernandez note, many well-designed, publicly-available customer satisfaction surveys are already available in the marketplace today. Among the organizations and firms that undertake such

[49] See *Quality of Service of Incumbent Local Exchange Carriers*, February 2007, Industry Analysis and Technology Division, Wireline Competition Bureau, Federal Communications Commission, available at <http://www.fcc.gov/wcb/stats>. ARMIS reporting requirements stem from FCC Common Carrier Docket No. 87-313 implementing service quality reporting requirements for local exchange carriers. In 1991, the FCC added specific reports to collect service quality and network infrastructure information. (MEMORANDUM OPINION AND ORDER, May 17, 1991, CC Docket No. 87-313, DA 91-619, available at <http://www.fcc.gov/wcb/armis/orders.html>. ARMIS measures are periodically reviewed and definitions are clarified or refined to better improve consistency among reports and understanding of existing requirements, see, for example, "Annual ARMIS Orders", CC Docket No. 86-182, DA 05-3162, Adopted December 8, 2005; DA 04-3843, Adopted December 8, 2004; DA 03-3912, Adopted December 17, 2003; DA 02-3527, Adopted December 19, 2002; and DA 01-2854, Adopted December 7, 2001.

surveys are Consumer Reports,[50] Consumers' Checkbook,[51] J.D. Power and Associates,[52] TNS Telecom,[53] Jupiter Research,[54] IDC,[55] eMarketer,[56] Yankee Group,[57] In-Stat,[58] and the American Consumer Satisfaction Index (ACSI).[59] These surveys provide a wealth of information with which the Commission can assess competitive developments. A number of these surveys are California-specific, including Consumer Reports (which publishes annual surveys showing customers' satisfaction levels with their wireless providers in Los Angeles, San Diego, and San Francisco) and Consumers' Checkbook (which recently published a detailed survey of its members' satisfaction with wireless providers in the San Francisco Bay area).[60] In other words, market participants are demanding—and the market is supplying—tools to assess customer satisfaction with communications products and services.

Indeed, were the Commission to get into the survey business, it may disrupt the very market that has produced these existing surveys, as Mr. Fernandez explains.[61] This concern is particularly strong with respect to the wireless industry, as the comments of Verizon Wireless demonstrate. Unlike the intermodal competition survey under consideration in URF Phase 2, which would seek objective data on consumers' awareness of intermodal service options, service quality perceptions are more subjective as customer expectations of "adequate" service quality fundamentally differ

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[50] See <http://www.consumerreports.org/cro/index.htm>.

[51] See <http://www.checkbook.org/>.

[52] See <http://www.jdpower.com/auto/browse.aspx>.

[53] See <http://www.tnstelecoms.com/>.

[54] See <http://www.jupiterresearch.com/bin/item.pl/home>.

[55] See <http://www.idc.com/>.

[56] See <http://emarketer.com>.

[57] See <http://www.yankeegroup.com/home.do>.

[58] See <http://www.instat.com/>.

[59] See <http://www.theacsi.org/>.

[60] *See* "Making a Connection: Which Cell Phone Service Get It?," *Bay Area Consumers' CHECKBOOK*, Vol. 11, No. 4 (Spring/Summer 2007).

[61] See Fernandez Declaration at ¶¶ 31–32.

across technological platforms.[62] As such, any Commission-sponsored customer satisfaction survey could cause providers to focus on improving the particular service attributes that the Commission's "official" survey identifies, at the expense of maximizing customers' overall satisfaction as determined by the competitive process.[63]

If, however, the Commission finds a clear need to conduct a customer satisfaction survey, then for the reasons stated above Verizon recommends that it be limited to wireline customers, including cable/VoIP. The objective of such a survey should be realistic and explicit, with the survey carefully designed to achieve the desired result. To that end, Mr. Fernandez offers concrete recommendations regarding survey design and methodology. Among the "best practices" Mr. Fernandez describes are keeping the questions relatively high-level in nature (to avoid seeking detail about particular service attributes that may be confusing or even misleading); using a third-party expert to conduct the survey; and contacting customers via telephone (as opposed to mail or Internet).[64] In addition, the Commission should be clear that the information obtained would not form a sufficiently reliable basis for enforcement action—a purpose better served by other tools, such as the complaint process.[65]

III. RESPONSES TO SPECIFIC QUESTIONS IN SCOPING MEMO

On pages 6 and 7 of the Scoping Memo, the Commission asks several specific questions regarding the Commission's role with respect to service quality in today's intermodal communications market. Although most of these questions are answered above and in the accompanying declarations of Dr. Aron and Mr. Fernandez, Verizon

[62] As a result, a customer satisfaction survey would be of limited usefulness as a policy tool. See Fernandez Declaration at ¶¶ 34–35; Aron Declaration at ¶¶ 77–80.

[63] See, e.g., Fernandez Declaration at ¶ 19.

[64] See Fernandez Declaration at ¶¶ 36–41. Not only could overly-detailed data about customers' perceptions of particular service attributes be confusing and misleading, but seeking such information could actually harm the competitive process to the extent that it causes providers to focus on the *Commission's* service attributes rather than maximize customer satisfaction by offering the best mix of service and price. See Aron Declaration at ¶¶ 57–69.

[65] See Fernandez Declaration at ¶ 33.

provides specific answers to each of the questions to assist the Commission's consideration of the identified issues.

A. Responses To Questions Re Customer Satisfaction Surveys.[66]

- [Should the Commission require] annual customer satisfaction surveys for all wireline and wireless services?

No, as discussed above and in Mr. Fernandez's declaration, there is no clear need for the Commission to sponsor an intermodal service quality survey given the many existing survey instruments already employed in the marketplace (particularly on the wireless side) and the market-distorting effects a Commission-sponsored survey may produce. Rather, the Commission should rely principally on competition to achieve socially optimal service quality for consumers in today's intermodal market.[67]

- If so, should the surveys focus on installation, repair and answering time or are there other relevant metrics that should be included?

If the Commission nevertheless finds a clear need for a customer satisfaction survey, then it should be limited to wireline (including cable/VoIP) customers because seeking data on wireless customers would raise various methodological problems and risk displacing the many existing surveys already available in the marketplace, as discussed above. In addition, any Commission-sponsored survey should focus on high-level, "top of mind" questions about customers' satisfaction levels with their wireline service. Seeking details through a "transaction" type survey about particular service-delivery issues such as installation, repair, and answering times would not result in useful comparative data and could lead to misleading conclusions about the competitive dynamics of the intermodal communications industry. In fact, seeking overly-detailed data could have anticompetitive consequences as discussed.[68]

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[66] Scoping Memo at 6 (bullet 1).

[67] See *infra* at § II.D; Aron Declaration at § V.D; Fernandez Declaration at ¶¶ 29–35.

[68] See *infra* at § II.D; Fernandez Declaration at ¶¶ 23–27, 37.

- Should the surveys follow the ARMIS format for wireline carriers or should surveys be developed for wireline and wireless carriers?

No, ARMIS does not provide a useful survey model because, among other reasons, under the ARMIS framework each reporting carrier has broad discretion about how to collect and report the data, meaning that the results cannot be used for comparative purposes.

- If surveys are developed, what questions should be included?

As discussed above, customers should be asked relatively high-level questions about their satisfaction levels with the services received from their wireline providers.

- Should the requirement to complete customer satisfaction surveys have a threshold determined by access lines and/or active numbers?

The respondents should be asked about their relationship with their wireline telephone service provider regardless of their provider's size or the nature of the telephone service provided (e.g., traditional telephone or cable/VoIP).

- How should the surveys be conducted? How should carriers transmit data to Commission staff for publishing on the Commission's website?

As discussed above, the Commission should engage a third-party survey firm to randomly contact a statistically appropriate sample of Californians. Requiring various providers to supply survey data to the Commission could not be done in a competitively neutral way and the results would not be useful for monitoring purposes.[69]

B. RESPONSES TO QUESTIONS RE SERVICE QUALITY REPORTING.[70]

- [Should the Commission require] URF service quality monitoring of existing California-specific ARMIS and MCOT measures?

As discussed above and in Dr. Aron's declaration, the Commission should eliminate MCOT (as well as G.O. 133B) standards and reporting requirements as they are outdated, ILEC-centric, and not competitively or technologically neutral. ARMIS

[69] See Fernandez Declaration at ¶ 39.

[70] See Scoping Memo at 7 (bullet 2).

data suffer from these same problems. To the extent the Commission remains interested in monitoring ILEC legacy service quality metrics, it can reference ARMIS.

- Should non-URF ILECs have the same reporting requirement?

No, with one exception, Verizon's proposal is not intended to apply to the eighteen smaller, non-URF ILECs still operating under a rate-of-return regulatory framework.[71] If the Commission decides to eliminate MCOT, however, it should be eliminated for all entities currently obligated to report MCOT, including Verizon West Coast Inc. If MCOT were eliminated only for the URF ILECs, then Verizon West Coast would be the only company in California still required to report MCOT. Such an anomalous result would simply not make sense.

- Should CLECs have the same reporting requirement?

Yes, G.O. 133B standards and reporting requirements should be eliminated for URF ILECs, CLECs, and NDIECs consistent with the principle of competitive and technological neutrality adopted in URF and articulated in the Scoping Memo.

- Should the Commission continue to monitor service quality under the MCOT requirements?

No. MCOT reporting is outdated and not competitively and technologically neutral and should therefore be eliminated.[72]

C. Responses To Questions Re Major Service Interruptions.[73]

- [Should the Commission require] service quality monitoring of major service interruptions or California-specific downtime under ARMIS?

As discussed above and in Dr. Aron's declaration, Verizon proposes no changes to applicable federal and state regulations regarding reporting of major service interruptions and network outages.[74]

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[71] See D.06-08-030, *mimeo* at 6, note 10.

[72] See *infra* at § II.B; Aron Decl. at ¶ 69.

[73] See Scoping Memo at 7 (bullet 3).

[74] See *infra* at § II.C; Aron Decl. at ¶ 74.

- Should all LECs report service quality interruptions in the same manner?

See response above.

D. RESPONSES TO QUESTIONS RE ELIMINATION OF SERVICE QUALITY METRICS.[75]

- [Should the Commission require] elimination or continuation of existing company-specific or California-specific measures and/or reports?

As discussed above and in Dr. Aron's declaration, the Commission should eliminate G.O. 133B and MCOT measures and reporting requirements as they are outdated and not competitively and technologically neutral. Such measures cannot possibly replicate the dynamic price/quality preferences individual consumers have in the competitive marketplace. As such, these legacy requirements tend to distort the competitive process and can actually harm overall service quality from the consumer's perspective.[76]

- Should whether the measures or reports provide consumers or the Commission with relevant information on the performance of a carrier govern whether measures and/or reports should be continued or eliminated?

See response above. Neither G.O. 133B nor MCOT provide useful information in today's intermodal communications market.

- Explain your reasons for eliminating or continuing each measure and/or report.

See response above.

[75] See Scoping Memo at 7 (bullet 4).

[76] See *infra* at § II.A–B; Aron Declaration at ¶¶ 16, 69.

IV. CONCLUSION

Verizon applauds the Commission for taking this opportunity to fundamentally reassess its role with respect to service quality regulation. Verizon urges the Commission to continue the market-driven policy adopted in URF and rely principally on competition as the best regulator of service quality in today's communications market. Verizon stands ready to assist the Commission in that effort.

Dated: May 14, 2007

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Exhibit A
FCC ARMIS 43-05 and 43-06 Service Quality Measures
Cross Referenced to D.03-10-088

FCC ARMIS 43-05 - Table	Measure	D.03-10-088 – CPUC Empirical and Statistical Analysis
I – Installation Intervals	# Total Number of Orders or Circuits	
I – Installation Intervals	# Missed/Customer Reasons	
I – Installation Intervals	% Commitments Met	
I – Installation Intervals	Average Interval in Days	
I – Repair Intervals	# Total Trouble Reports	
I – Repair Intervals	Average Interval in Hours	
II – Installation Intervals	# Installation Orders	
II – Installation Intervals	# Missed/Customer Reasons	
II – Installation Intervals	% Commitments Met	at 109.
II – Installation Intervals	Average Interval in Days	at 101.
II – Repair Intervals	# Total Access Lines	
II – Initial Trouble Reports	# Initial Trouble Reports	at 69.
II – Initial Trouble Reports	# Out of Service Trouble Reports	at 75.
II – Initial Trouble Reports	Out of Service Trouble Report Interval in Hours	at 87.
II – Initial Trouble Reports	# All Other Trouble Reports	at 82.
II – Initial Trouble Reports	All Other Report Interval in Hours	at 95.
II – Initial Trouble Reports	# Subsequent –Initial Trouble Reports	at 81.
II – Repeat Trouble Reports	# Repeat Trouble Reports	at 72.
II – Repeat Trouble Reports	# Out of Service Trouble Reports	at 79.
II – Repeat Trouble Reports	Out of Service Trouble Report Interval in Hours	at 92.
II – Repeat Trouble Reports	# All Other Trouble Reports	at 85.
II – Repeat Trouble Reports	All Other Report Interval in Hours	at 98.
II – Repeat Trouble Reports	# Subsequent –Repeat Trouble Reports	at 81.
II – No Trouble Found	# Total No Trouble Found	
III – Common Trunk Blockage	Total Trunk Groups	
III – Common Trunk Blockage	Groups Measured	
III – Common Trunk Blockage	Common Groups Carrying FGD Exceeding Threshold 3 Mos.	
III – Common Trunk Blockage	Other Common Groups Exceeding Threshold 3 Mos.	
III – Common Trunk Blockage	Common Groups Carrying FGD Exceeding Threshold 1 Mos.	
III – Common Trunk Blockage	Other Common Groups Exceeding Threshold 1 Mos.	
III – Common Trunk Blockage	Common Groups Carrying FGD Exceeding DBO 3 Mos.	
III – Common Trunk Blockage	Other Common Groups Exceeding DBO 3 Mos.	
IV – Total Switch Downtime	Total Number Switches	
IV – Total Switch Downtime	Switches with Downtime	
IV – Total Switch Downtime	Total Switch Downtime	at 106.
IV – Total Switch Downtime	Total Incidents under 2 Minutes	at 108.
IV – Total Switch Downtime	Unscheduled under 2 Minutes	at 108.
IV – Total Switch Downtime	% Unscheduled under 2 Minutes	at 108.
IV.A	Occurrences of Two Minutes or More Duration Downtime	
V – Service Quality Complaints	Business Access Lines	

V – Service Quality Complaints	Federal Complaints - Business	
V – Service Quality Complaints	State Complaints - Business	
V – Service Quality Complaints	Residence Access Lines	
V – Service Quality Complaints	Federal Complaints - Residence	
V – Service Quality Complaints	State Complaints - Residence	
FCC ARMIS 43-06 - Table	**Measure**	
I –Customer Satisfaction Survey - Installation	Number Surveyed (Residence, Small Business, Large Business)	
I – Customer Satisfaction Survey - Installation	Percent Dissatisfied (Residence, Small Business, Large Business)	
I – Customer Satisfaction Survey – Repairs	Number Surveyed (Residence, Small Business, Large Business)	
I – Customer Satisfaction Survey – Repairs	Percent Dissatisfied (Residence, Small Business, Large Business)	
I – Customer Satisfaction Survey – Business Office	Number Surveyed (Residence, Small Business, Large Business)	
I – Customer Satisfaction Survey – Business Office	Percent Dissatisfied (Residence, Small Business, Large Business)	

CERTIFICATE OF SERVICE

I hereby certify that: I am over the age of eighteen years and not a party to the within entitled action; my business address is 711 Van Ness Ave., Ste. 300, San Francisco, CA 94102; I have this day served a copy of the foregoing:

**OPENING COMMENTS OF VERIZON CALIFORNIA INC. (U 1002 C)
AND ITS CERTIFICATED CALIFORNIA AFFILIATES ON MARCH 30, 2007
ASSIGNED COMMISSIONER RULING AND SCOPING MEMO**

by electronic mail to those parties on the service list shown below who have supplied an e-mail address, and by U.S. mail to all other parties on the service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of May, 2007, at San Francisco, California.

/s/Sonja Killingsworth
SONJA KILLINGSWORTH

Service List:
R.02-12-004

CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

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Top of Page
Back to INDEX OF SERVICE LISTS